

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 729

constitutional before the initiators and also the opponents of a petition effort spend the time, money, and effort needed to get a question on the ballot or work to defeat an issue. This bill provides the ability to get the issue into a court before and not just after a petition is accepted or rejected. What is an example of when this would apply? The example I am about to give may be somewhat extreme but it is not out of the range of possibility; hope it is. Suppose that someone initiated a movement to reinstate a poll tax or to make dramatic changes in equal protection, these issues should be allowed to be challenged before they are put on the ballot. As I have stated, this bill will allow this to happen. The committee amendment is procedural and deals with how due process will be undertaken if and when the Secretary of State refuses to or decides to accept a filing under this bill. It also clarifies that the standards of this bill equate with the definition of legal sufficiency. I will go into more detail on the amendment in a moment. I would like to emphasize that current Nebraska law provides that the Secretary of State will not accept for filing any initiative or petition which is not legally sufficient. However, current law does not have a specific definition. Nebraska Statute, 32-1412, gives the Lancaster County District Court jurisdiction in these types of disputes. In the past, when a constitutional amendment has been challenged on the basis of legal sufficiency, the court has ruled that in its view the current Nebraska law does not apply to constitutional amendments. This bill clarifies that it does. This issue has not been able to reach the Nebraska Supreme Court because there has not been time to get a case before the court when an election is approaching. In summary, this bill is not antipetition or antireferendum. It is a matter of addressing certain questions before the time and money is spent in support or opposition to a measure. The bill is supported by Secretary of State Scott Moore, and had no opposition at the hearing. And, in fact, I have had no contact from any member of the public since that hearing, and as a matter of fact, whenever I've spoken with groups of people about having some kind of a mechanism in place to...to allow this challenge, the public seems to be very supportive of that idea. I would ask, at this time, for your support of LB 729.

SENATOR COORDSEN: Committee amendments. Senator Schimek, on the committee amendments.